

THE GATES OF DEATH

Swinging Wide Open for Durrant the Murderer

ALL HOPE IS ABANDONED

Every Legal Subterfuge Employed Was In Vain

The Governor Who Alone Could Stay the Hangman's Hand Refused to Act—The Prisoner's Final Preparation.

San Francisco, Jan. 6.—Unless something unforeseen intervenes to prevent it, William Henry Theodore Durrant, the condemned murderer of Blanche Lamont, will expiate his crime upon the gallows at San Quentin prison tomorrow morning. This morning his attorneys were still confident that they could save him from the hangman's noose, but after Governor Budd had announced his refusal to interfere with the execution, and the news flashed over the wires from Washington that Attorney Boardman had failed in his mission to the supreme court of the United States, they were compelled to acknowledge themselves plumped. Attorney Deuprey, as a forlorn hope, resorted to the expedient of applying to the judges of the federal court for a bill of exceptions to their ruling denying his petition for a writ of habeas corpus yesterday.

After consultation, Judges Deffenaw and Morrow decided that the allowance of the bill of exceptions would not act in the nature of a permission to appeal to the supreme court, and after examining the documents, they affixed their signatures to the bill of exceptions as requested.

Immediately after Attorney Deuprey secured from the clerk of the circuit court a certified copy of the said bill of exceptions and called upon United States Marshal Baldwin to serve it and a notice of appeal upon Warden Hale at San Quentin. It was claimed by Attorney Deuprey that this notice acted as a stay of proceedings and that the federal judges having signed this bill of exceptions nothing could prevent him from perfecting his appeal thereon. Marshal Baldwin at first demurred to being pressed into service, but acting upon the advice of the United States attorney, he accompanied Attorney Deuprey to San Quentin and served the documents upon Warden Hale.

That official at once telegraphed the matter to the state attorney-general, who advised him that the acceptance of such documents as had been submitted to him did not act as a stay of execution, and there was no legal reason why he should not proceed with the execution. Attorney Deuprey at once repaired to the United States circuit court in order if possible to perfect his appeal, but acting under instructions issued by both federal judges yesterday in passing upon the question of Durrant's alleged right to appeal, the clerk refused to accept the necessary notice of appeal and the attorney was compelled to retire without having gained the point for which he had been striving all day.

Governor Budd deferred his decision upon the appeal for executive clemency which had been submitted to him yesterday, until a late hour this afternoon that Durrant's attorneys might call upon him, but they failed to appear. Meantime Durrant's parents announced their determination to call upon the governor for the purpose of making a final appeal for their son's life, but the governor absolutely refused to see them and they left the city for San Quentin, so that they might spend the night with their son and bid him farewell.

DENIED BY JUSTICE BREWER.

Washington, Jan. 6.—Attorney Boardman of California is here in the interest of Theodore Durrant with the hope of securing from Justice Brewer of the supreme court and in charge of the ninth court, a writ of error of supercedas, which would act as a stay of proceedings which would delay Durrant's execution. He saw Justice Brewer for a few minutes today, but without presenting the question and made an engagement for a later hour, when the application was denied.

PREPARING FOR DEATH.

San Francisco, Jan. 6.—Warden Hale and Chaplain Dahms who visited him today insist that Durrant has shown no signs of breaking down. The chaplain announced this morning that he and Rev. Mr. Rader would mount the scaffold with the murderer and give him spiritual comfort to the last. Durrant still tells his guards that if he must die tomorrow he will depart this life an innocent man. The prisoner went to bed at 11 o'clock last night and slept soundly. No particular restlessness was noticed. He awoke at 6 and was given breakfast immediately. He ate heartily.

OF COPPER.

New Lake copper unchanged.

RIGHTS OF PEDESTRIANS.

Upheld by Appellate Division of New York Supreme Court.

New York, Jan. 6.—A decision of interest to those who cross the streets at the risk of being run down by cable cars has been handed down by the appellate division of the supreme court. It upholds the rights of pedestrians as against gripmen.

The court has decided that the cable car must slow down in order to permit a pedestrian to cross the track. The question was raised in the case of Mrs. Ann Curtin against the Metropolitan Street Railway company. Mrs. Curtin was attempting to cross Columbus avenue at One Hundred and Third street several months ago. There was a car coming up the track at the time and about thirty feet away from her. She was struck by the car and badly cut and bruised. She sued the Metropolitan company for \$3,000 for personal injuries. A jury in the city court gave a verdict for \$733 in her favor.

The railway company thought that the verdict was unjust. The case was appealed to the city court, general term, and the judgment was sustained. The company then appealed the case to the appellate division of the supreme court, and it fought the battle over again to avoid the payment of \$733. The company was represented by Charles F. Brown, formerly a judge of the supreme court. He held that Mrs. Curtin should have waited until the car had passed by and then, having seen that the coast was clear, she should have crossed the street.

The court decided in favor of Mrs. Curtin. Chief Justice Daly, who read the opinion, said that Mrs. Curtin had done her full duty when she had looked up and down the roadway and had seen that it was clear. The car was far enough distant from her to have given the gripman a chance to reduce the speed. She had a right to rely upon the gripman stopping the car before she could be injured.

A leading lawyer says of this decision: "The pedestrian has the right of way of a crossing. The crossing is put there for the benefit of pedestrians. Here is a familiar principle of law applied to this special case. The safety of pedestrians in a public street is to be considered first of all. It is a thing for drivers of carriages and gripmen on cable cars to remember."

STEEL RAILS FOR INDIA.

Another Cargo Shipped by Maryland Steel Company.

New York, Jan. 6.—Another cargo of steel rails is about to leave this country for India. The steamship Inchmona arrived here this morning from Baltimore with a large consignment of steel rails from the Maryland Steel company for Calcutta. The vessel will take on some general cargo at the Atlantic docks, Brooklyn, after which she will proceed on her long voyage to Asia.

This is the second lot of American steel rails to go to India. The steamship Sahara of the same line, of which Norton & Son are the New York agents, took a like cargo to Calcutta early in December. The agents say it pays to ship the rails, in spite of the long distance.

NEW ZEALAND MAILS.

Arrangements Completed for a Regular Fortnightly Service.

Montreal, Jan. 6.—The postmaster general of New Zealand has notified the dominion government that the legislature of that colony has passed the Pacific mail subsidy bill and that arrangements have been made for alternate sailings to and from Vancouver and San Francisco, so as to give a regular fortnightly mail service. Hitherto the steamers of the San Francisco line have operated independently of the Canadian-Australian line, sailing sometimes from that port within three days of the departure of the Canadian steamers from Vancouver. But hereafter the two lines will so arrange their monthly sailings as to give a regular fortnightly service to New Zealand, and both will share in the subsidy. The first mail steamer, Vancouver, under the new arrangement will sail in February 10.

PARKER IS RESTLESS.

He Was Getting Ready for Another Outbreak.

Prescott, Ariz., Jan. 6.—Jim Parker, the train robber and murderer, now under sentence of death for the latter crime, and in the county jail here awaiting the hearing of his appeal to the supreme court, is evidently anxious to head another jail break as he did last May.

Officials recently discovered that the chain connecting the shackles on his legs had been filed apart. The work had been done so cleverly that a day or two elapsed before it was discovered, and Parker was only awaiting a favorable opportunity to attempt an escape. The supreme court meets next week, when the Parker case comes up for hearing.

THE OHIO MUDDLE

Senator Hanna's Strength Reduced to Seventy

HE IS JUST THREE SHORT

The Opposition Say He Will Continue to Wane

They Claim That They Will Have No Trouble in Finding a Man Upon Whom All the Anti-Hanna Men Can Agree.

Columbus, O., Jan. 6.—A conservative estimate tonight placed the legislative vote at 75 to 70 against Hanna. Friends of the senator claim seventy-one votes and an assurance of the necessary two additional votes and possibly four. The opposition insist that Hanna will never have seventy votes on joint ballot and that they have gained two votes since the legislature adjourned until Monday. Before the chairmanships of committees and preferred places and other patronage are disposed of, the opposition say that the Hanna vote will be reduced considerably below seventy, which is three short of enough to elect.

The opposition to Hanna consists of the sixty-five democratic members and ten republican members. Included in the list of those supporting Hanna are Representatives Drost and Lane, silver republicans, fusionists from Cincinnati who are counted on for Gerrard. Developments today indicated that Gerrard would not only be voted for on ballots for senator, but that he might lead on the first ballot if present efforts are successful to make him a free silver republican candidate. So far the opposition to Hanna is not only holding its own, but it has extended beyond all plans provided for previous to the caucus last Saturday night.

The opposition managers say that they are having no trouble in finding a candidate for whom all the bolting republicans and democrats will vote. The bolting republicans are unanimous in declaring that they cannot vote for any democrat under any circumstances for senator. Enough democratic members to give the managers trouble and anxiety say they do not want to vote for a republican for senator. And this is the situation at present.

A PARTY'S PROTEST.

Columbus, O., Jan. 6.—A call was issued tonight by the republican state executive committee for a mass convention of republicans to be held in this city next Monday to protest against the attempt to defeat Senator Hanna.

A BIG HAUL.

A Rumor That the American Express Company Lost \$1,000,000.

New York, Jan. 6.—The Evening Telegram prints a report which has not been verified that the American Express company was robbed last night of \$1,000,000 which had been given it for transportation. The money was said to have been taken from one of its cars in its thorough western express while the train was being made up in the yard at Forty-eighth street. The officers of the company refuse to talk regarding the robbery. The western express leaves the Grand Central yards at 8:15 and goes through to Chicago, dropping off cars at intermediate cities. There are eleven cars in this train usually which carries nothing but express matter. Large sums of money are frequently sent west on this train. According to the report received by the Telegram the clerks found the money bags rifled when they reached their car. The robbers had evidently been watching the method of handling the money shipped on this train.

A CHICAGO REFORMER.

Wants Men, Women and Children Kept Off Streets After 9 p. m.

Chicago, Jan. 6.—Alderman Coughlin of the First ward is preparing a curfew ordinance for this city. He threatens to introduce the measure in the city council January 10. He will try to improve upon the curfew law of Evanston. While he thinks the scheme of keeping children off the streets after 9 o'clock at night is a good one, he would send men, women and children to their homes at that hour. Incidentally the statesman of the First ward thinks there would be created 10,000 places for curfew bell ringers. The civil service commissioners will have to examine applicants for these places. The alderman will give his constituents the tip when to take the examinations and thereby be sure of the patronage.

"I would have the curfew bell sounded at 9 o'clock each night from the steeple of every church and the roof of every school house," said the alderman today. "We be unto the citizen or stranger who heeded not the warning. Adults cause more trouble in streets than do children. If the home is a good place for children it should be all right for adults. My motive in this is the desire to secure

reform. I think all the reformers in the city, including my friends, the civil service commissioners, will be in favor of this law."

THE HARVEY PATENTS.

Navy Department Seeking to Avoid Paying Further Royalties.

Washington, Jan. 6.—It is ascertained at the navy department that the decision of the patent office experts, recently submitted in the matter of the patents for the Harvey armor plate, may result in the withholding of the payment of further royalties on plate furnished by the large steel companies. The question submitted by Secretary Long to the patent office was whether the employment of a temperature above that of molten cast iron is an essential feature of the Harvey patents and the experts reached the conclusion that such heat was an essential feature of the device.

The navy department armor plate experts are of the opinion that the highest temperature is not essential to the obtaining of the most satisfactory face hardened plates. The use of temperature not quite so high as that covered by the Harvey process is not regarded by them as an infringement of the Harvey patents.

ROW IN A POOL ROOM.

Man Hit on the Head With a Cue and May Die.

Boston, Jan. 6.—A row which may have a fatal ending occurred tonight in a pool room in the rear of 1219 Washington street. Several young men were playing pool, when Charles Porter, 40 years old, residence unknown, entered and began bullying the players. This led to trouble and one of them struck him over the head with a billiard cue, knocking him to the floor. In his fall he struck a cuspidor, fracturing his skull. He was taken to the hospital, where his condition is pronounced critical, and Patrick J. Holly, 26 years old, of 20 Hanson street, was placed under arrest, charged with being his assailant.

THE U. P. PAID FOR.

Washington, Jan. 6.—The last payment to the government on the Union Pacific Railroad company account, amounting to \$5,538,401, was made today. There is considerable satisfaction in financial circles over the absence during the past ten days of any disturbance in the money market as a result of the heavy payment of principal and interest of the Union Pacific bonds, and New York advises say that the conservative method of Secretary Gage is highly commended by the financiers of that city.

MAIL ROBBERIES IN JAIL.

Two Men Arrested for Looting an Idaho Stage.

Boise, Ida., Jan. 6.—Charles Frush is confined in the Idaho county jail charged with the perpetration of Tuesday night's stage robbery, and Sam Hurley is detained at Grangerville as an accomplice. Their examination will be held tomorrow and the officers say they have undoubtedly the right men.

A letter found by the sheriff's posse near the scene of the robbery, with other discarded letters from the mutilated mail sack led to the arrest of the men. The letter bore the address of Frush and proved to be the one sent to him the day before by the Grangerville vigilance committee, instructing him to leave town.

BUSINESS IMPEDED.

A Heavy Snow Storm Prevailing in Pittsburg, Pa.

Pittsburg, Pa., Jan. 6.—A fierce snow storm, which began at an early hour this morning, is impeding traffic and business.

All electric lines in Pittsburg and Allegheny and surrounding towns, being unprepared for the heavy fall, were tied up for two hours, and are now running cars at intervals only.

The snow is also breaking down telephone and telegraph wires. Several accidents have been reported in the city.

KANSAS CITY STOCK MARKET.

Kansas City, Jan. 6.—Cattle receipts, 5,000; dressed beef and export steers, 5 cents higher; western cattle, strong; stockers and feeders, steady; western steers, \$3.50@4.40; native steers, \$3.50@4.90; native cows and heifers, \$3@4.05; stockers and feeders, \$3@4.45; sheep receipts, 2,200; market strong; Colorado yearlings, \$3.75@4.60; lambs, \$4.75@5.50.

THE INDIAN PLAGUE.

Bombay, Jan. 6.—The plague returns for the past forty-eight hours record 142 new cases and 105 deaths. There is a general exodus of the population and a suspense of business is threatened.

WHEAT.

Chicago, Jan. 6.—May wheat closed at 90 1/2.

POPULAR OPINION

Overwhelmingly Against the Civil Service Law

EXPRESSION OF SENTIMENT

Marked a Stirring Debate in the House Yesterday

An Arizona Appointee Turned Down by a Senate Committee for Home Rule Reasons—Board of Indian Commissioners.

Washington, Jan. 6.—The friends and enemies of the civil service law exchanged broadsides in the house today. The heaviest guns on each side were brought into action. Mr. Grover of Ohio and Mr. Johnson of Indiana each made exhaustive speeches and kept their respective sides in a constant furor. Interest in the debate was much more lively than yesterday. The crowded galleries, which were plainly in sympathy with the opposition to the law, became so very noisy in their demonstrations of approval at one juncture that the chair was compelled to call them to order. Mr. Johnson was warmly sustained by the friends of the law on the floor, but he received very little applause from the galleries. Mr. Lloyd of Missouri was the only other speaker. He favored the repeal of the law.

The house committee on Indian affairs today decided to omit from the Indian appropriation bill the item for carrying on the work of the board of Indian commissioners. The board was instituted under the Grant regime for the avowed purpose of guarding against frauds in Indian contracts.

Representative Overstreet introduced a comprehensive bill for carrying out the plan of the monetary commission for a reform of the currency.

THE SENATE.

Washington, Jan. 6.—While the senate was in session two hours today, practically no business was transacted beyond the passage of a few bills. Among the measures which received favorable consideration were bills providing for a congress of representatives of the Indian tribes of the United States to be held at Omaha during the progress of the international exposition this year. Bills providing for the erection of public buildings at Fergus Falls, Minn., and Newport News, Va., and a measure to protect the name and insignia of the Red Cross society were passed.

BARRED BY HOME RULE.

Washington, Jan. 6.—In executive session today of the senate, Senator Pettigrew, chairman of the committee on Indian affairs, made an adverse report for "home rule reasons" upon the nomination of Charles G. Keyse to be agent at Fort Apache, Ariz.

NEW YORK POLICE UPSET.

Can't Find the American Estates Association Defaulter.

New York, Jan. 6.—The remarkable robbery of the entire funds and papers of the American Estates association at its office in this city, which was discovered yesterday, has upset the police, who can find no trace of the robber clerk, Joseph Lockley. The manager of the association, James A. Reilly, was at work almost all night trying to find out exactly how much Lockley had made away with. The amount stolen is put just now at about \$8,000, aside from the papers the clerk took. The greater part of this money was got from the bank by means of raised checks. The rest of the money and the titles, deeds, books and papers, and even private letters, which were stolen, were abstracted from the safe in the office.

MISS GILLETTE'S ASPIRATIONS.

Worcester, Mass., Jan. 6.—Miss Adelle Frances Gillette of Fitchburg, who successfully passed the examination for admission to the bar and was recommended by the examiners, was prevented from taking the oath this afternoon by a telephone message from Mrs. Effie Hartwell, widow of Judge H. C. Hartwell, president of the Fitchburg Woman's club. Mrs. Hartwell afterward telephoned withdrawing her objection, but saying that she would sign a protest against Miss Gillette's admission to the bar if one were presented to her. Judge Bond, before whom the application was made, decided to refer the matter to the state board of examiners, which begins its duties tomorrow. The ground of Mrs. Hartwell's objection was not stated.

THE CHINESE LOAN.

London, Jan. 6.—It is learned on excellent authority that in the event of Great Britain's guaranteeing the new Chinese loan, the concessions required will be the opening of new treaty ports to all nations alike. A financial article of the Globe says it is reported on the stock exchange that the British government has arranged to guarantee a Chinese loan of £60,000,000 at 3 per cent.

COLLISION IN THE TUNNEL.

One Trolley Car Set on Fire by the Motor.

New York, Jan. 6.—There was a panic among the passengers on two crowded Fourth avenue trolley cars following a collision in the tunnel near Thirty-ninth street at 9 o'clock this morning. Car No. 1256 stopped suddenly and a car behind it, running at a rapid rate, crashed into it. The passengers were pitched in heaps on the floor of each car.

The motor of the first car set fire to the floor and the men and women rushed in terror to the doors. The flames were quickly extinguished by the trolley men. No one was badly hurt and after a delay of a few minutes the track was cleared.

A REVEREND WIFE.

Monticello, N. Y., Jan. 6.—Howell, today brought against her husband, Rev. Howell, rector of the Monticello Episcopal church, for a limited divorce. Mrs. Howell charges her husband with non-support and ill-treatment. Recently Mr. Howell was fined for beating and choking his wife.

A MILLIONAIRE'S SUICIDE.

New York, Jan. 6.—W. E. Buckley, a member of the dry goods firm of Dunham, Buckley & Co., shot himself in the head at his home in Greenwich today, dying without regaining consciousness. Mr. Buckley, who is 55 years of age, is reputed to be a millionaire. His hunting stable is one of the finest on Long Island. The does not seem to be any Mr. Buckley committed a count of business troubles.

DEAD ROBBER IDENT.

Seattle, Wash., Jan. 6.—A man shot and killed a fellow man in his saloon and was himself mortally wounded, died tonight.

THE VOLCANIC MINE.

A Paper Filed Yesterday Awakens a Memory of the Property.

Among the papers filed in the county recorder's office yesterday was an affidavit by Benjamin E. Lower of assessment work done on the Volcanic mine. Mr. Lower was formerly a restless and feverish promoter of Phoenix, and the Volcanic mine, which lies in the Eagle Tail mountains, was formerly a copper property and was believed to be very rich. It was discovered by a Mexican who sold it to J. A. Porter. He sold it to Mr. Lower, who was then contemplating running the Grand Belt canal out in that direction. The complete development of the property involved also the construction of a railroad into the Eagle Tail country. A discovery was made soon after Mr. Lower obtained control of the property which caused him to change the name of the mine, which was supposed to be a copper proposition, to the "Volcanic." This discovery was what afterward was learned to be a blunder. The ore was of a character never seen. It was as unpromising as a gridstone, but samples of it assayed at two offices in Phoenix showed values of \$600 to the ton. The whole claim seemed to consist of ore just like it and Mr. Lower became excited and organized the most extensive mining expedition that ever set out for a mine. It was equipped with every appliance that had ever been used about a mine and many that had never been heard of. For instance, Mr. Lower had provided a lot of road or ditch scrapers with which the ore was to be gathered up and conveyed to the dump. The expedition did not reach the mine intact. Captain Sanders, who commanded it, differed from the official correspondent regarding the route from Gila Bend. Mr. Lower was drawn into the controversy and took the side of the correspondent. Captain Sanders resigned his command and returned to Phoenix. He brought with him a mass of letters, telegrams and contracts which had passed between him and Mr. Lower. He had also prepared a statement of 10,000 words which with the supporting documentary evidence he wanted printed in order that he might be set right before the world. The newspapers were busy about that time and Captain Sanders was forced to vindicate himself by reading his statement to persons whom he encountered on the street. He succeeded in this way in arousing a great deal of popular regret that the schism had occurred. In the meantime the expedition reached the mine. The ore in the blow-out was small in quantity and though it closely resembled the millions of tons of rock that lay around, the resemblance was all there was of it. The expedition returned to Phoenix in bad shape and the Volcanic mine was transmuted back to a copper mine. The Volcanic has been heard of only incidentally since then. It is said, though, that if water could be obtained out in that country it would become a great and valuable property.